

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
ROBERT SANTOS QUIROZ and) CASE NO. 07-20371 JPK
MARGUERITE DELORES QUIROZ) Chapter 13
)
Debtors.)

ORDER SUSTAINING OBJECTION TO CLAIM

On July 2, 2007, the debtors, by counsel, filed an Objection to Claim No. 2-1, filed by Monument Street Funding II, LLC. Notice of the objection was provided in accordance with applicable law and rules, and no response to the objection was filed by the claimant.

The objection relates solely to the amount of pre-petition attorneys fees and costs included in the itemization of calculation of arrearage attached to the proof of claim. The objection contests the \$2,991.08 charge for this item, and asserts that the amount of \$1,800.00 is more accurate.

The foregoing scenario of objecting to a proof of claim for an amount which must be provided for by a Chapter 13 plan pursuant to 11 U.S.C. § 1322(a)(5), and receiving no response whatsoever from the claimant, is a common scenario in this Court. Far too often claimants simply file claims and then drop out of the bankruptcy process, leaving it to debtors, trustees, and the Court to arrive at a solution with respect to provisions of a Chapter 13 plan without input from one of the principal creditors in the case.

Having reviewed the claim and the objection, the Court sustains the objection, and determines that the amount of \$1,800.00 with respect to pre-petition fees and costs incurred by the claimant is a more reasonable amount for that pre-petition item than is the \$2,991.08 designated in the proof of claim. The debtors apparently believe that there are other calculation issues with respect to the arrearage, because the amount of the proposed arrearage suggested by the objection, \$10,263.00, represents deductions other than the proposed modification of the

pre-petition fees and costs. The debtors have not sustained any additional computation, and therefore the balance of the objection's attempt to reduce the arrearage is denied.

IT IS ORDERED that the arrearage claim of Monument Street Funding II, LLC is in the amount of \$10,787.03.

IT IS FURTHER ORDERED that in the event that this arrearage amount is fully paid in the debtors' Chapter 13 plan, any balance alleged by the claimant to be owed by the debtors for the period up to the date of the filing of the petition initiating this case shall be discharged and not be recoverable from the debtors.

Dated at Hammond, Indiana on August 29, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee
Creditor